

Defendant.

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Case No. 1:07-CV-1055  
Gwin, J.

U.S. Dist. Courts (Apr. 7, 2006) (citing JCUS-MAR 49, p. 202.).

The Conference's policy developed out of requests for refunds within bankruptcy proceedings. JCUS-MAR 49 ("It is the sense of the Conference that no part of the filing fee of \$45.00 paid upon filing of a bankruptcy proceeding is refundable upon the subsequent dismissal of the proceedings. . . ."). To this day, "[w]ith the exception of *in forma pauperis* proceedings, neither Congress nor the Judicial Conference has authorized exceptions to the fees due upon filing the original request for relief." ADMIN. OFFICE OF THE U.S. COURTS, BANKRUPTCY FEE COMPENDIUM III (April 2006). "Nevertheless, the clerk must refund any fee collected without authority. For example, the clerk has no authority to collect a fee to reopen a case unless the case is closed." *Id.*

In the instant case, although Plaintiff's Complaint has been dismissed, the case was not originally filed in error. Likewise, fees were not collected without authority or as a result of administrative error on the part of the clerk's office. Plaintiff fully intended the Court to rule upon the merits of her Complaint. However, the Court cannot simply refund the filing fee every time a case is dismissed for failure to state a cause of action. Finally, Plaintiff has never moved the Court to permit her to proceed *in forma pauperis*. As such, Plaintiff has failed to provide any grounds that would justify an exception to the Court's long-standing policy of refusing to refund filing fees.

Therefore, the Court hereby **DENIES** Plaintiff's Motion for Refund of Filing Fee.

IT IS SO ORDERED.

Dated: June 20, 2007

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE